

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:19-cr-311-MOC-DCK

UNITED STATES OF AMERICA

vs.

NICK BIANCO MILLER, JR.,

Defendant.

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ORDER

THIS MATTER is before the Court on Defendant's Motions to Appoint Counsel. (Doc. Nos. 47, 48).

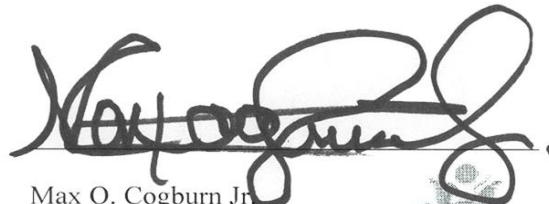
Defendant's motions to appoint counsel are denied at this time, as he has no constitutional right to counsel in assisting him with filing a post-conviction motion to vacate or reduce sentence, and Defendant has not set forth any exceptional circumstances warranting appointment of counsel. See Pennsylvania v. Finley, 481 U.S. 551, 554 (1987); Hunt v. Nuth, 57 F.3d 1327, 1340 (4th Cir. 1995).

The Court further notes that, however, that Defendant appears to be seeking a reduction of sentence under USSC Amendment 821. The Court will therefore treat the motion as one seeking relief under Amendment 821, and the Court will order the Government to respond to indicate whether Defendant is entitled to relief under Amendment 821.

ORDER

IT IS, THEREFORE, ORDERED that within 20 days the Government shall file a response to Defendant's motion.

Signed: December 20, 2023



Max O. Cogburn Jr.
United States District Judge